

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NATIONAL STARCH AND CHEMICAL
INVESTMENT HOLDING
CORPORATION, PENFORD
AUSTRALIA LTD., and PENFORD
HOLDINGS PTY,

Plaintiffs,

v.

CARGILL, INC. and
MGP INGREDIENTS, INC.,

Defendants.

C.A. No. 04-1443-GMS

**DECLARATION OF COURTNEY NELSON WILLS IN SUPPORT OF
DEFENDENTS' ANSWERING *MARKMAN* BRIEF**

Filed: October 7, 2005

FISH & RICHARDSON P.C.

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Attorney for Defendants
Cargill, Inc. and MGP Ingredients, Inc.

I, Courtney Nelson Wills, declare as follows:

1. I am an attorney representing Defendants Cargill, Incorporated and MGP Ingredients, Incorporated. I make this declaration in support of Defendants' Answering *Markman* Brief.
2. Attached hereto as Exhibit A is a true and correct copy of an article by Edna M. Montgomery et al., "High Amylose Corn Starch Fractions" in 13 Die Starke (1961).
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from a book entitled Starch: Chemistry and Technology , Chapter III, , "Genetics and Physiology of Starch Development" by Jack C. Shannon & Douglas L. Garwood (2nd ed. 1984).
4. Attached hereto as Exhibit C is a true and correct of excerpts from the Merriam-Webster's Collegiate Dictionary (11th ed. 2004) containing the definition of "apparent."
5. Attached hereto as Exhibit D is a true and correct copy of excerpts from The American Heritage Dictionary of The English Language (4th ed. 2000) containing the definition of "apparent."
6. Attached hereto as Exhibit E is a true and correct copy of an Australian patent number AU 45616/89.
7. Attached hereto as Exhibit F is a true and correct copy of the web pages at <http://www.corn.org> and <http://www.corn.org/membercompanies.htm>.
8. Attached hereto as Exhibit G is a true and correct copy of excerpts from the Analytical Methods of the Member Companies of Corn Refiners Association, Inc.

Dated: October 7, 2005

FISH & RICHARDSON P.C., P.A.

By: s/Courtney Nelson Wills

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2005, I electronically filed the
**DECLARATION OF COURTNEY NELSON WILLS IN SUPPORT OF
DEFENDANTS' ANSWERING MARKMAN BRIEF** with the Clerk of Court using
CM/ECF which will send notification of such filing(s) to the following:

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*Attorneys for Plaintiffs
Nation Starch and Chemical Investment
Holding Corporation, Penford Australia
Ltd., and Penford Holding Pty*

I hereby certify that on October 7, 2005, I have mailed via Federal Express, the
document(s) to the following non-registered participant:

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/s/ Thomas L. Halkowski

Thomas L. Halkowski